

California Regional Water Quality Control Board  
Santa Ana Region

STAFF REPORT

June 29, 2007

ITEM: 15

SUBJECT: Appeal of Staff's Denial of the Use of a Mound System – Art Pavez, 19410 Brown Street, Perris, Riverside County – APN 318-061-008

DISCUSSION:

On July 6, 2005, Art Pavez contacted staff regarding the proposed construction of a single family dwelling unit (mobile home) on his lot at 19410 Brown Street, Perris that will utilize a mound disposal system for residential wastewater treatment and disposal. The lot is approximately 0.43 acres (18,731 sq. ft). Mr. Pavez' July 6, 2005 submittal indicated groundwater on the property was currently at 6 feet below grade. Riverside County Environmental Health referred Mr. Pavez' project to the Regional Board for review and approval for the proposed use of a mound disposal system. This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region. The Board specifically exempted from the one-half acre requirement "existing" developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. Mr. Pavez' lot had obtained approval prior to September 7, 1989 and is not subject to the minimum lot size requirements.

In 1979, the Regional Board adopted "*Guidelines for Sewage Disposal from Land Developments*." These guidelines are intended to be used to regulate waste discharges from land developments using subsurface waste treatment and disposal systems. The guidelines identify minimum criteria for the use of individual disposal systems to prevent pollution or nuisance. These Guidelines stipulate that innovative waste treatment systems proposed as alternates to conventional septic tank subsurface disposal systems must conform to the guidelines and provide protection to water quality and public health at least equivalent to conventional septic tank-subsurface disposal systems. The Guidelines require that the depth of soil between ground surface and anticipated high groundwater in the disposal area be at least 10 feet.

On July 8, 2005, a clearance was issued for Mr. Pavez' proposed use of a mound system (see Attachment 1). Immediately thereafter, Riverside County Environmental Health staff notified Regional Board staff that the proposed use of mound system at the lot would not be protective of water quality and public health due to the elevation and potential flood problems at the lot. The County also indicated that Mr. Pavez placed a mobile home on this property prior to obtaining approvals. On August 23, 2005, Regional Board staff inspected the property with Mr. Pavez, his engineer Kal Farrah, and Riverside County Environmental Health staff. During the inspection, it was noted that the property was located below street level and below the adjacent property. In addition, close scrutiny of the soil percolation test report prepared by AMPAC, dated May 20, 2004, indicated that the area has always been prone to groundwater inundation. The photographs provided by the County confirmed that the property is subject to inundation (see Attachment 2). The photographs also indicate that most of the property was flooded. Some of these photographs were taken a few days after the storm events. There were several inches of standing water within the property. These conditions are not conducive to proper functioning of a mound or other on-site waste disposal systems. Based on this information, Regional Board staff retracted the July 8, 2005 approval letter.

On May 29, 2007, Regional Board staff met with Mr. Pavez, Kal Farah and Riverside County Environmental Health to again review the project. During the meeting, County staff advised that groundwater level at the property is generally at 4 feet below grade. Mr. Pavez proposed to construct a two feet retaining wall on the north end of the property to protect the mound system from inundation. Further, Mr. Pavez proposed to install an AdvanTex<sup>™</sup> treatment system to alleviate any concerns regarding nitrate contamination of groundwater from the disposal systems. Board staff reviewed these proposals and the latest information regarding inundation and groundwater conditions in the area and determined that a mound system would not function properly at the site.

On June 6, 2007, Board staff issued a denial letter (see Attachment 3) for the proposed use of a mound system. On June 8, 2007, County staff advised Board staff that current groundwater level below grade on the property is 3.8 feet.

The available technical information indicates that the use of a mound system at this site would not be protective of water quality and public health.

#### **RECOMMENDATION:**

Deny Mr. Pavez' request for the use of a mound system for residential wastewater treatment and disposal at 19410 Brown Street, Perris, Riverside County.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Sam Martinez/Chuck Strey  
Riverside County Building and Safety – Steve Dondalski  
Wickstrom & Farah Land Systems – Kal Farah



# California Regional Water Quality Control Board

## Santa Ana Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 - FAX (951) 781-6288 - TTY (951) 782-3221  
<http://www.waterboards.ca.gov/santaana>

Arnold Schwarzenegger  
Governor

July 8, 2005

Art Pavez  
655 Valley Wood Circle  
Corona, CA 92879

### Attachment 1

#### APPROVAL FOR THE USE OF A MOUND DISPOSAL SYSTEM AT 19410 BROWN STREET, PERRIS, RIVERSIDE COUNTY, APN 318-061-008

Dear Mr. Pavez:

This letter is in response to your June 23 and July 6, 2005 submittals regarding the above-referenced project. You are proposing to construct a single-family home on a 0.5-acre parcel located at 19410 Brown Street in the Perris area of Riverside County. As no sewer is available to service this lot, you propose the use of a subsurface disposal system for the disposal of sanitary wastes from the proposed home. A subsurface exploration of the site was conducted to determine the feasibility of using a conventional subsurface disposal system. The exploration encountered groundwater at 6 feet. The exploration determined that the use of a conventional septic tank-subsurface disposal system is not feasible. Consequently, you are proposing the use of a "Mound Disposal" system for the discharge of sanitary wastes from the proposed home. The proposed mound system will include a 1,200-gallon septic tank, a 1,200-gallon pump chamber to accommodate several days of septic-tank effluent storage, a submersible pump, and mound distribution laterals. The County is also requiring the installation of six monitoring wells for the monitoring of groundwater levels in the mound system area.

The Regional Board has adopted minimum lot size criteria for septic tank-subsurface disposal system use that are contained in the Water Quality Control Plan (Basin Plan) for the Santa Ana Region. These criteria established a one-half acre minimum lot size requirement for new developments proposing the use of on-site septic tank-subsurface leaching/percolation systems. Your proposal complies with this requirement. In addition, the Regional Board has established "*Guidelines for Sewage Disposal from Land Developments*." These Guidelines state that innovative waste treatment systems as alternates to conventional septic tank subsurface disposal systems must conform to the guidelines and provide protection to water quality and public health at least equivalent to conventional systems. The Guidelines require that the depth of soil between ground surface and anticipated high groundwater in the disposal area be at least 10 feet. Riverside County Environmental Health has given approval for use of the proposed mound disposal system and has determined that its use would be protective of water quality and public health.

*California Environmental Protection Agency*



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Pursuant to the California Water Code, Section 13269, the Regional Board adopted Resolution No. R8-2002-0044, waiving waste discharge requirements for various types of discharges. Resolution No. R8-2002-0044 specifies that waste discharge requirements can be waived for discharges from subsurface disposal systems serving single family homes outside prohibition areas provided that 1) only sanitary wastes will be discharged, and 2) the development complies with individual county guidelines to discharge wastes to septic systems. The proposed project complies with these waiver criteria. Therefore, waste discharge requirements are waived for this project, provided that the waiver criteria continue to be satisfied.

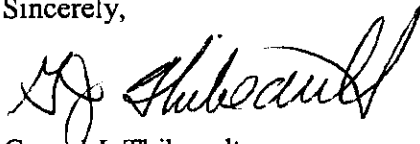
Please be aware that pursuant to Water Code Section 13269, waivers of waste discharge requirements must be reviewed by the Regional Board every five years to determine whether a waiver remains appropriate. While we expect that this waiver for your use of a subsurface disposal system (mound) would be renewed, we must notify you of the potential that waste discharge requirements may be required in the future.

Furthermore, please be aware that in accordance with Assembly Bill 885, the State Water Resources Control Board will be adopting, in the near future, regulations or standards for the permitting and operation of all onsite sewage treatment systems, including septic tanks. These regulations or standards may require additional monitoring for alternative treatment systems, including mound systems and conventional septic tanks. The monitoring requirements for your use of a mound system may change in response to the new regulations. Obviously, you will be notified of any such changes.

Should any conditions change from those stated in your submittal, this waiver may be revoked, and you must notify this office immediately to determine a further course of action. Please be aware that this waiver does not relieve you of the responsibility to comply with the laws and guidelines of other regulatory agencies involved with this project.

If you have any questions, please contact Jun Martinez at (951) 782-3258 or Susan Beeson at (951) 782-4902.

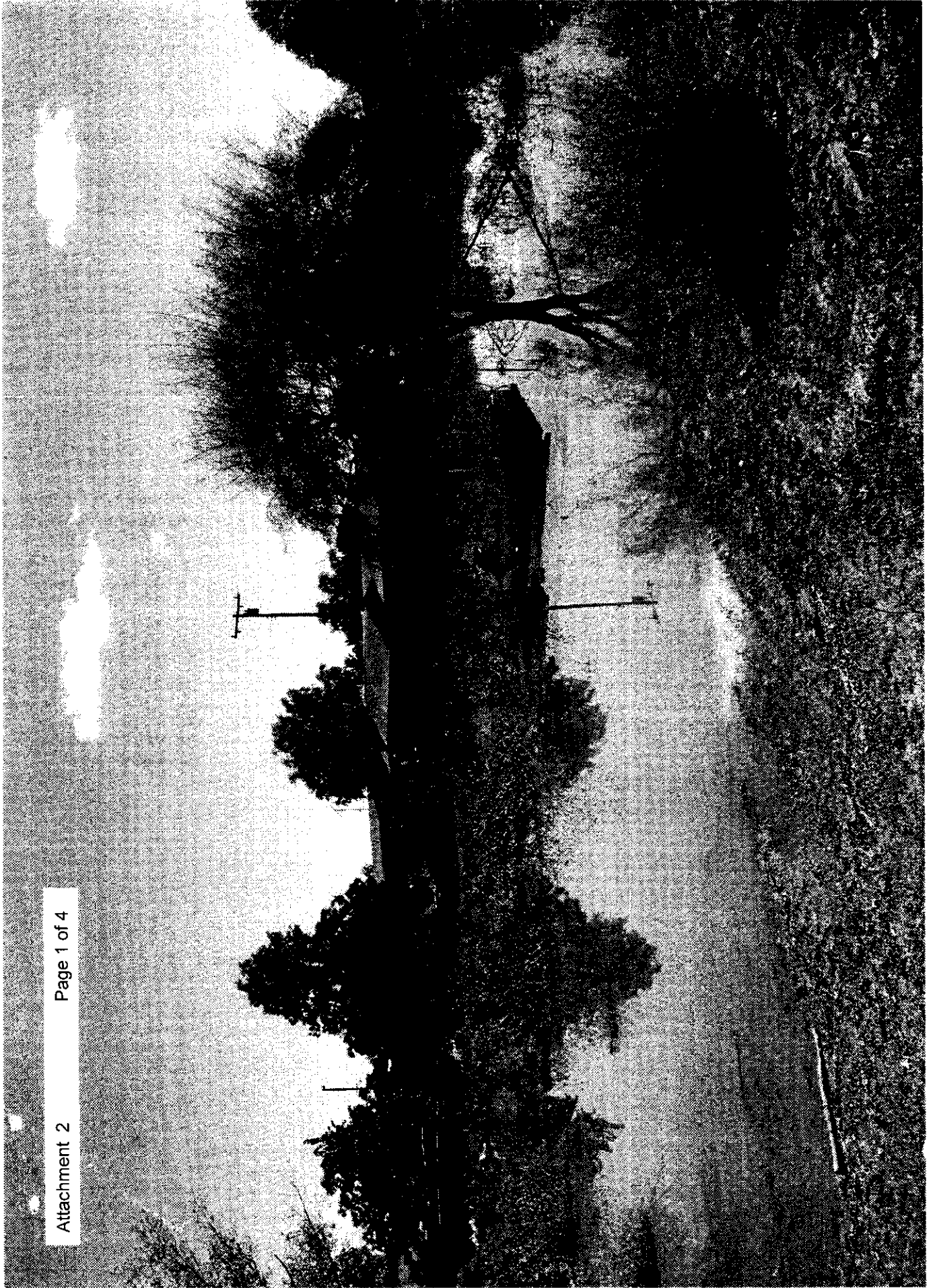
Sincerely,

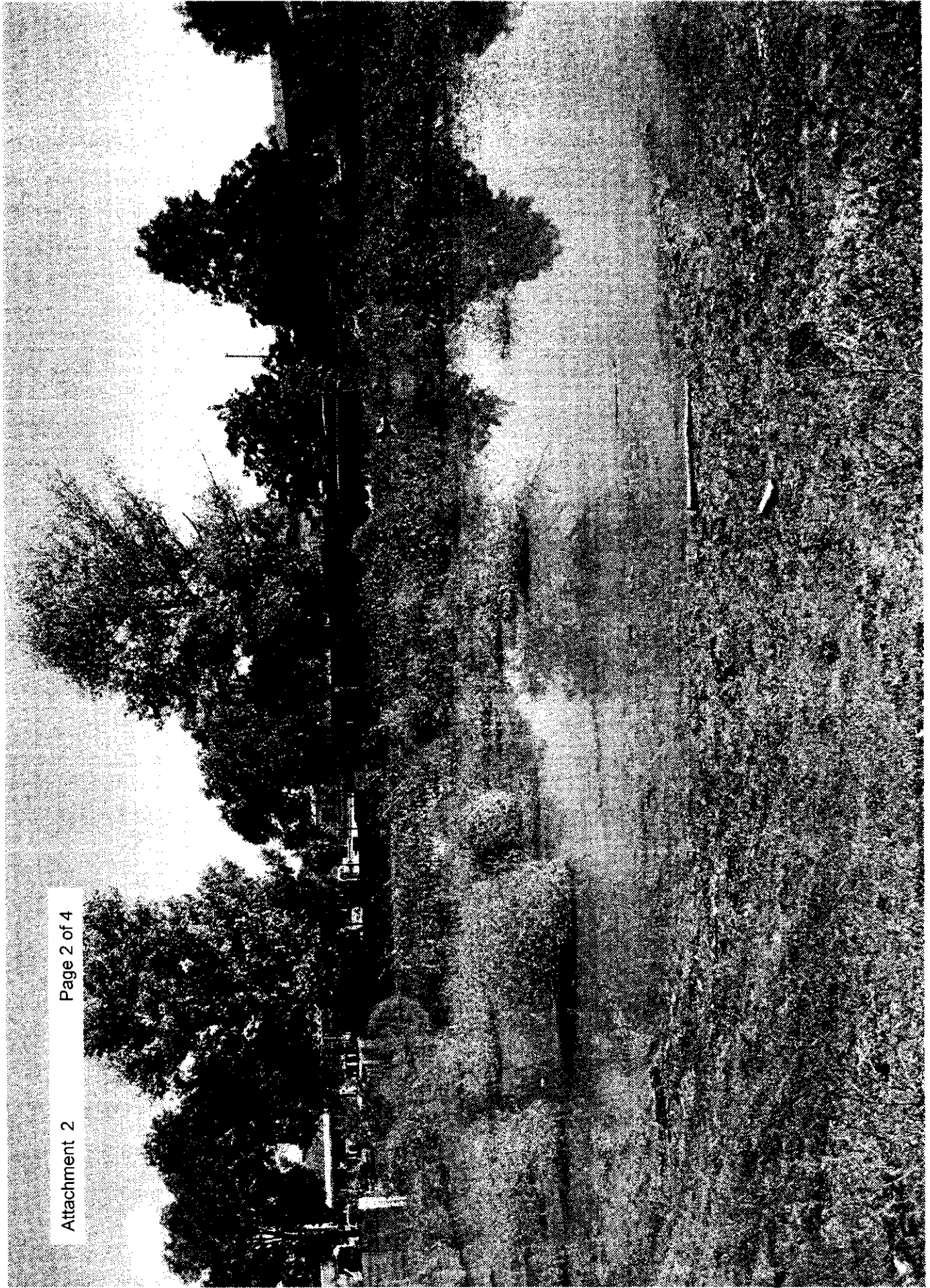


Gerard J. Thibeault  
Executive Officer

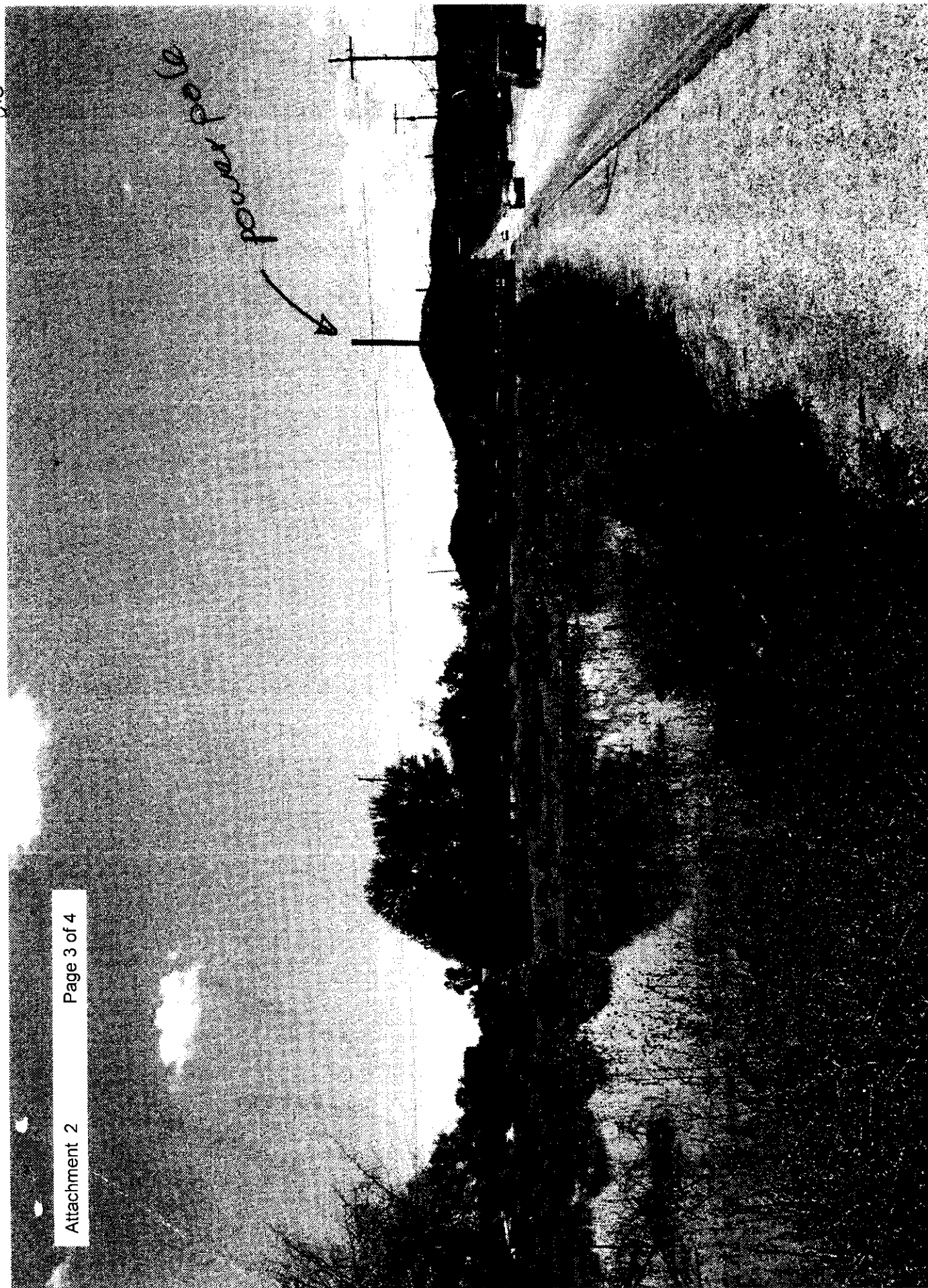
cc: Riverside County Department of Environmental Health – Sam Martinez/Marc Haraksin  
Riverside County Department of Building and Safety – Steve Dondalski  
AM/PAC and Associates, Inc. – David Ballinger  
Wickstrom & Farah Land Systems – Kal Farah

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# California Regional Water Quality Control Board

## Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
[www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Arnold  
Schwarzenegger  
Governor

June 6, 2007

### Attachment 3

Art Pavez  
655 Valley Wood Circle  
Corona, CA 92879

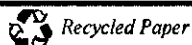
**DENIAL OF THE PROPOSED USE OF A MOUND DISPOSAL SYSTEM AT 19410 BROWN STREET, PERRIS, RIVERSIDE COUNTY, APN 318-061-008**

Dear Mr. Pavez:

On July 8, 2005, we issued an approval letter for the proposed use of a mound system for domestic wastewater disposal at 19410 Brown Street in the Perris area of Riverside County. Subsequently, we were notified by Riverside County Environmental Health that the proposed use of mound system at the above-referenced site might not be protective of water quality and public health due to the elevation and potential flooding problems at the site. We inspected the site on August 23, 2005 and noted that the property was located below street level and below the adjacent property. The soil percolation test report prepared by Ampac, dated May 20, 2004, notes that the area has been always prone to groundwater inundation. The photographs provided by the County confirm that the property is subject to inundation. The photographs also indicate that most of the property was flooded. Some of these photographs were taken a few days after the storm events. There were several inches of standing water within the property. These conditions are not conducive to proper functioning of a mound or other on-site waste disposal systems. Because of our concerns regarding flooding of the property, standing water within the property and high groundwater levels, we informed you and the County that we were rescinding the July 8, 2005 approval letter.

On May 29, 2007, you and your consultant met with representatives from Riverside County Environmental Health and us. During the May 29, 2007 meeting, you proposed to construct a two feet retaining wall on the north end of the property to protect the mound system from inundation. You also indicated that you were willing to install an AdvanTex™ treatment system to alleviate any concerns regarding nitrate contamination of groundwater from the disposal systems. After a careful review of the information provided to us, Board staff has determined that on-site disposal systems are likely to fail at the site due to potential for inundation, standing water, and high groundwater. Therefore, Board staff is denying your proposal for the on-site disposal system.

*California Environmental Protection Agency*

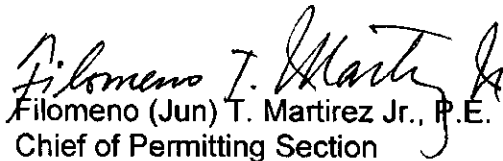


**Attachment 3**

You have indicated that you wish to appeal this staff denial. As such, we have scheduled this item for the Board's consideration at the June 29, 2007 Board meeting. The June 29, 2007 Board meeting is scheduled to begin at 9:00 a.m. at the City Council Chambers, 25541 Barton Road, Loma Linda, California. A staff report pertaining to this item and the meeting agenda will be forwarded to you not less than 10 days prior to the meeting date.

If you have any other questions, please contact me at (951) 782-3258 or Susan Beeson at (951) 782-4902.

Sincerely,

  
Filomeno (Jun) T. Martinez Jr., P.E.  
Chief of Permitting Section

cc: Riverside County Environmental Health – Sam Martinez/Greg Dellenbach  
Riverside County Building and Safety – Steve Dondalski  
Wickstrom & Farah Land Systems – Kal Farah

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